



# NEWS RELEASE

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JUDICIAL COUNCIL OF  
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ADMINISTRATIVE OFFICE  
OF THE COURTS  
Public Information Office  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688  
[www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)

415-865-7740

Lynn Holton  
Public Information Officer

## California Supreme Court Releases Annual Workload Statistics

### *Incoming Filings, Court's Written Opinions Increase*

San Francisco — The California Supreme Court today released its annual workload statistics for the period from September 1, 2004, through August 31, 2005, the official court year for statistical purposes.

Overall, the number of petitions for review, petitions for extraordinary writ or habeas corpus, and other matters filed in and acted upon by the Supreme Court during this period was somewhat higher than the previous year, and the number of opinions filed by the court — particularly the number of opinions in death penalty appeals — increased significantly.

The Supreme Court released the statistics following the usual interval in July and August during which the court does not regularly schedule oral argument. The court will resume oral argument on September 13, 2005, in its courtroom in San Francisco.

Former Associate Justice Janice R. Brown resigned from the California Supreme Court on June 30, 2005, to assume a position as a federal judge on the United States Court of Appeals for the District of Columbia Circuit in Washington, D.C., and her replacement has not yet been named. Until Justice Brown's replacement joins the court, a different justice of the Court of Appeal will be assigned to participate in each case scheduled for argument, pursuant to the court's established alphabetical rotational procedure.

### OPINIONS FILED

#### *Including Death Penalty Appeals and Related Habeas Corpus Petitions*

In the 2004-2005 court year, the Supreme Court filed opinions in a total of 123 cases, 7 more opinions than were filed in the 2003-2004 court year. Of the court's 123 opinions, 63 opinions involved civil cases, 28 opinions involved noncapital criminal cases, 30 opinions involved automatic

appeals arising from judgments of death, and 2 opinions involved habeas corpus petitions relating to death penalty judgments. The 30 opinions in death penalty appeals was more than double the number of death penalty appeals decided the prior year, when 14 opinions were filed in death penalty appeals.

In addition to the opinions filed in the 2004-2005 court year, the court acted by order upon 35 petitions for writ of habeas corpus relating to death penalty judgments, issuing an order to show cause on 3 petitions, and issuing orders denying 32 petitions. This compares to 37 petitions for writ of habeas corpus handled by the court last year, including 4 in which an order to show cause issued.

The matters in which the court has issued an order to show cause likely will result in an opinion by the court in the future, usually after an evidentiary hearing has been held before a court-appointed referee and the court has considered the referee's report and additional briefs filed by the parties, and has heard oral argument on specified claims.

When a petition for writ of habeas corpus is denied, the court does not issue an opinion and instead disposes of the matter by order. Nevertheless, even when no opinion results, the preparation and disposition of death-penalty-related habeas corpus petitions draws heavily upon the court's resources, because the petitions in such cases frequently are very lengthy and complex and are analyzed in internal memoranda that often may run 100 or more pages in length.

### **PETITIONS FOR REVIEW**

#### ***Including Dispositions of Requests for Depublication***

In the 2004-2005 court year, the court also considered approximately 9,300 petitions for review, petitions in original proceedings, and actions arising out of State Bar Court disciplinary proceedings, substantially more than the nearly 8,500 such matters considered in the 2003-2004 court year. The court staff prepares an internal memorandum with regard to each of these matters, and the justices consider these petitions and internal memoranda at weekly conferences held throughout the year. It is common for the court to review and act upon more than 200 petitions at a weekly conference.

Beginning in 2001-2002, the *Court Statistics Report* issued by the Judicial Council of California has included information on depublication and publication orders issued by the Supreme Court. In the 2004-2005 court year, 17 Court of Appeal opinions were ordered depublished by the Supreme Court, compared to 25 in 2003-2004, 13 in 2002-2003 and 25 in 2001-2002. The number of opinions ordered depublished has declined to 25 or fewer per year since the court year 2000-2001 from totals regularly exceeding 100 per year in the late 1980's and early 1990's.

In the 2004-2005 court year, the Supreme Court ordered 9 Court of Appeal opinions published, 5 more than in 2003-2004.

A court-appointed committee is now considering the standards for publication of Court of Appeal opinions and will be making recommendations to the court in the coming year concerning possible adjustments to the standards.

## **BACKGROUND INFORMATION**

Since 1996, the California Supreme Court has issued statistics utilizing a reporting period of September 1 through August 31. The court designated this period as the official court year for statistical purposes after determining that this period best corresponds with the flow of the court's opinion production and facilitates consistency in the pace of the court's work.

Although the court does not schedule oral argument in July and August, the court continues to hold weekly conferences on petitions seeking review, but concentrates on completing and filing opinions in cases that have been argued through the June oral argument calendar, and begins the process of preparing calendar memoranda for future oral argument sessions.

The court carefully monitors its internal processes to ensure that it is able to process the matters before it fairly, efficiently, and effectively. When necessary, because of pending external deadlines or other good cause, the court may expedite the handling of particular civil and criminal matters in which review has been granted. Death penalty appeals and related habeas corpus proceedings, which under the Constitution automatically are filed directly in the Supreme Court without an intervening review in the Court of Appeal, present distinctive workload problems for the court.

The court has a constitutional obligation to ensure that defendants in criminal cases have adequate legal assistance in their appeals, including from judgments of death. Death penalty matters are lengthy and complex, and high standards have been set for the appointment of counsel at both the trial and the appellate level.

The court continues to work closely with the Habeas Corpus Resource Center, the Office of State Public Defender, and the California Appellate Project to improve training and resources so as to encourage and prepare additional qualified counsel to agree to accept appointments in these matters.

In addition, the Supreme Court's Capital Central Staff, created three years ago to assist the court in preparing memoranda in matters arising out of capital appeals and related habeas corpus petitions, has continued to perform well. The increased number of death penalty automatic appeals and death-penalty-related habeas corpus petitions disposed of in recent years is attributable in large part to the staff's contributions to the court's operations.